

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

<b>DAVID T. &amp; LELAND J. BARCHANOWICZ,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>v.</b>	)	<b>CIVIL ACTION NO.</b>
	)	<b>1:05cv1232-MHT</b>
<b>FREIGHTLINER TRUCKS OF DOTHAN,</b>	)	
<b>INC.; DAIMLERCHRYSLER SERVICES</b>	)	
<b>NORTH AMERICA LLC; COMMERCIAL</b>	)	
<b>RECOVERY SYSTEMS, INC.; and Fictitious</b>	)	
<b>Party Defendants “A” through “U,”</b>	)	
	)	
<b>Defendants.</b>	)	

**PLAINTIFFS’ MOTION TO COMPEL PRODUCTION OF DOCUMENTS**

COME NOW, Plaintiffs David and Leland Barchanowicz (“Plaintiffs”), by and through the undersigned counsel and hereby move this Honorable Court to enter an Order compelling Defendants to produce requested documents to Plaintiffs. As grounds in support thereof, Plaintiffs set forth the following.

1. The above-captioned litigation arose from state court litigation that was removed to this Court on December 28, 2005. (Ct. Doc. 1).
2. A Scheduling Order was entered on January 31, 2006, setting trial for January 8, 2007. (Ct. Doc. 11 at 2). The Court also ordered a discovery cutoff date of November 17, 2006. (*Id.* at 3).
3. Plaintiffs served requests for production of documents on Defendants on May 19, 2006. DFS objected to Plaintiffs’ requests for production on June 15, 2006, and to date, Plaintiffs have not received any documents from Defendants in this matter.
4. To date, Defendant Commercial Recovery Systems, Inc. (“CRS”), has not

supplied Plaintiffs with any documents or a written responses to their document requests. Defendants' collective failure to produce documents has hindered Plaintiffs from advancing their case through discovery and in preparation for trial.

5. Because of these delays relating to all facets of trial preparation , the parties have not been able to progress with discovery as originally planned, and will not be able to complete discovery by November 17, 2006.<sup>1</sup>

### **CONCLUSION**

WHEREFORE, premises considered, Plaintiffs respectfully request that this Honorable Court enter an Order compelling Defendants to produce to Plaintiffs documents responsive to their May 19, 2006, Requests for Production.

Respectfully Submitted,

/s/ Anil A. Mujumdar

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W. Todd Harvey

Anil A. Mujumdar

*Attorneys for the Plaintiffs*

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<sup>1</sup> Plaintiffs have contemporaneously filed a Motion to Amend Scheduling Order.

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**CERTIFICATE OF SERVICE**

I hereby certify that on November 3, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following to all counsel of record.

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/s/ Anil A. Mujumdar

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